not ordinarily possessed, save by the philosophers of the Trade Unions or politicians panting for a seat in Parliament on any terms. The note of all this," adds our author, "seems not inaptly summed up in the formula, 'The real friend is Codlin, not Short.'"

One of the objects of the framers of this Act was to eliminate formal legal proceedings and to substitute therefor conciliation committees and private arbitrators, in case of injuries to workmen in the course of their employment. And yet, Mr. Beven declares, "the convenience of the County Court procedure has been recognized to an extent that is almost universal."

We commend the entire volume to the careful perusal not only of every lawyer, but of every citizen who is interested in the progressive tendency to make the relation of master and servant a matter of state regulation. F. M. B.

THE FIXED LAW OF PATENTS, as Established by the Supreme Court of the United States and the Nine Circuit Courts of Appeals. By William Macomber. Boston: Little, Brown and Company. 1909. pp. cxlv, 925.

The object of this book of some nine hundred pages is to set forth the fixed law of patents, and for this purpose the author has confined himself to the decisions of the ultimate appellate tribunals, the United States Supreme Court and the Courts of Appeal. The task which Mr. Macomber has set for himself is an ideal one, but almost impossible to perform because of the nature of the subject; for in Patent Law a mass of ancillary law has been built up by the decisions of the courts, which is true when applied to the particular cases and the patents involved, but which is not to be applied to a different state of facts. The task is also difficult because even the law which may be regarded as fixed is not in fact fixed. Two striking instances of the danger of assuming that any principle in the Patent Law is fixed except the foundation statutes, are represented by decisions of the Supreme Court during the past year. In *Leeds & Catlin* v. *Victor Talking Machine Co.*, 213 U. S. 301, the Supreme Court held that under section 4887 of the Revised Statutes one claim of a patent might expire with a prior foreign patent, whereas the other claims might continue as a monopoly for seventeen years, thus overruling the *dicta* to the contrary in *Siemens* v. *Sellers*, 123 U. S. 276. And in *Expanded Metal Co.* v. *Bradford*, 214 U. S. 366, the Supreme Court sustained a patent for a process the steps of which were all mechanical and did not involve any chemical or other elemental action, thus apparently setting at rest the doubt as to the patentability of mechanical processes raised by the case of *Risdon Works* v. *Medart*, 158 U. S. 68. Moreover many holdings and even *dicta* of the lower courts have become fixed law by general acceptance. A notable example is the rule of priority of invention laid down by Judge Story in *Reed* v. *Cutter*, 1 Story 590. The character of the court does not fix the law, but it is fixed by its own inherent rightfulness.

Mr. Macomber begins his book with a brief survey of his subject wherein the matter is divided into headings, which arrangement is followed in the body of the work. Under the admirable classification and sub-classifications of subjects the author has quoted the language of the appellate courts on the points involved. It would perhaps have made the task of the reader more easy if he had placed in quotation marks the language quoted, so as to separate the remarks of the court from the author's own summing up or digest. The reader is obliged to exercise care in order to distinguish between them.

Of course, where the remarks of the courts are so extensively quoted as in this work it is practically impossible to distinguish between those parts which form the actual decision of a case and those parts which are either *dicta* or the contributing principles underlying the final decision. Nor is it always safe to

assume that the author is correct in his digest of the courts' holding. For instance, a remark of the Circuit Court of Appeals for the First Circuit in *Mayo* v. *Jenkes*, 133 Fed. 527, refers to the fact that the patent in suit was held in the Patent Office, and the claims in suit so drawn as to cover the defendant's structure which appeared on the market during the progress of the application. Mr. Macomber refers to this as a most important and far-reaching holding. A careful examination of the decision shows that it was not held that these claims were an improper amendment, but that the invention of the patent in suit was of such a character as to require so narrow a construction as to exclude the defendant's device. Possibly the way the application had been amended might have been a contributing cause to the decision of the court, but the court does not so state.

The book in fact appears to be a well arranged and orderly digest of an elaborate character, where the exact language of the appellate courts on all subjects in the law of patents can readily be found. It is therefore a valuable and useful work for the practicing patent lawyer. Like other less elaborate digests, however, the cases from which extracts have been made should be read before these extracts are accepted as the ultimate decisions of the courts and before the author's criticisms are blindly followed.

The book contains a table of cases excerpted with annotations and another table of cases cited, which include many decisions of the lower courts, a very helpful addition. Near the end is a digest of the Patent Statutes, the ultimate foundations of the Patent Law which are frequently overlooked. A systematically arranged general index completes the work. J. L. S.

BRIEF MAKING AND THE USE OF LAW BOOKS. By William M. Lile, Henry S. Redfield, Eugene Wambaugh, Edson R. Sunderland, Alfred F. Mason, and Roger W. Cooley. Second Edition. Edited by Roger W. Cooley. St. Paul: West Publishing Company. 1909. pp. xii, 574.

This book is intended primarily for the young law school graduate. Parts of it are necessarily very elementary. But Professor Wambaugh's careful essay on Decisions and Statutes might well find a place in a far more advanced work. Moreover, the clues furnished by Mr. Cooley will not come amiss to those who feel that the average digester "moves in mysterious ways his wonders to perform." Yet the book will probably be used chiefly by the young graduate who finds himself loaded to the muzzle with the theory of the law and also uncertain how to discharge that theory to the adversary's damage. E. H. A. JR.

THE LEGISLATION OF THE EMPIRE. A Survey of the Legislative Enactments of the British Dominions from 1898 to 1907. Edited by C. E. A. Bedwell. In four volumes. London: Butterworth and Company; Philadelphia: Cromarty Law Book Company. 1909. pp. xxxv, 545; x, 482; x, 528; 231.

THE EVOLUTION OF LAW. A Historical Review. By Henry W. Scott. Third Edition. New York: Wilson Publishing Company. 1908. pp. 165.

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EQUITY. Also the Forms of Action at Common Law. Two Courses of Lectures. By F. W. Maitland. Cambridge: at the University Press; New York: G. P. Putnam's Sons. 1909. pp. xvi, 412.

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A BRIEF HISTORY OF THE MIDDLE TEMPLE. By C. E. A. Bedwell. London: Butterworth and Company. 1909. pp. vi, 132.

GENERAL THEORY OF LAW. By N. M. Korkunov. Translated by W. G. Hastings. Boston: The Boston Book Company. 1909. pp. xiv, 524.